

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

ELIZABETH MARTIN

Plaintiff

CIVIL ACTION -- LAW

vs.

JURY TRIAL DEMANDED

**TRAVELERS PERSONAL
INSURANCE COMPANY**

Defendant

NO. _____

COMPLAINT

AND NOW comes the Plaintiff, Elizabeth Martin, by and through her counsel, Foley Law Firm, and hereby files the within Complaint against Defendant Travelers Personal Insurance Company, and respectfully aver as follows:

I. **Jurisdiction and Venue**

Jurisdiction for this matter is properly the United States District Court for the Middle District of Pennsylvania in that:

- a. Jurisdiction is based upon diversity of citizenship under 28 U.S.C. §1332, and an amount in controversy in excess of \$75,000, exclusive of interests and costs.

II. **Parties and Factual Allegations**

1. Plaintiff Elizabeth Martin is an adult citizen and resident of the Commonwealth of Pennsylvania who reside at 521 Fellows Street Scranton, PA 18504.

2. Defendant, Travelers Personal Insurance Company is, upon information and belief, an insurance company duly qualified to issue policies of automobile insurance in the Commonwealth of Pennsylvania, with a principle place of business at One Tower Square, Hartford, CT 06183.

3. This action arises under policies of insurance issued by the Defendant that were in effect at the time of a motor vehicle collision which occurred on January 21, 2018.

4. On or about January 21, 2018 at approximately 2:20 am, the Plaintiff, Elizabeth Martin, was crossing Linden Street when one Joshua J. Beh, operating a 2010 Jeep Grand Cherokee traveling east on Linden Street, struck the Plaintiff Elizabeth Martin while she was crossing the street causing injuries to Plaintiff.

5. Following the collision, the driver of the vehicle Joshua J. Beh fled from the scene, and was later apprehended by police and was charged and subsequently pled guilty to careless driving and failing to stop, give information and render aide.

6. The aforementioned collision and Plaintiff's injuries were the direct result of the reckless, careless, negligent and indifferent conduct on the part of one Joshua J. Beh and was not due to any act or failure to act on the part of the Plaintiff.

7. As a direct and proximate result of the aforementioned collision, the Plaintiff suffered severe and serious bodily injuries, some or all of which may be permanent in nature and/or may continue for an indefinite time in the future including, but not limited to, injuries to her brain, head, neck, back and shoulders.

8. As a direct and proximate result of the aforementioned motor vehicle collision, the Plaintiff has incurred medical expenses and other financial losses and may

continue to incur the same and may continue to suffer other losses including wage losses and other financial losses for an indefinite time into the future.

9. At all times relevant to this action, and in particular on January 21, 2018, Defendant Travelers Personal Insurance Company had in effect an automobile policy number OPH136-996592260-201-1 issued to Plaintiff Elizabeth Martin as named insured which provided, among other things, underinsured motorist coverage a/k/a Supplementary Uninsured Motorist, in the amounts of \$250,000.00 per person and \$500,000.00 per accident. A copy of the applicable policy declarations is attached hereto as Exhibit "A".

10. On May 22, 2019, Dawn K. Sell, the claim professional for Defendant, Travelers Personal Insurance Company issued a correspondence to Plaintiff's Counsel requesting an independent medical examination with Dr. Scott Epstein.

11. On or about May 22, 2019, Plaintiff was examined by Travelers Independent Medical Examiner, Dr. Scott Epstein, who determined that Plaintiff Elizabeth Martin still suffered as a result of the motor vehicle collision and requires ongoing treatment.

12. On October 11, 2019, Dawn K. Sell, the claim professional for Defendant, Travelers Personal Insurance Company issued a correspondence to Plaintiff's Counsel requesting an independent medical examination with MES Solutions.

13. On or about November 7, 2018, Plaintiff was examined by Travelers Independent Medical Examiner, Dr. Stephen Pokowicz, who determined that Plaintiff still suffered as a result of the motor vehicle collision and required ongoing care.

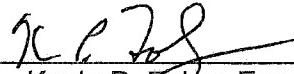
14. On May 10, 2019, Plaintiff's Third-Party case against the tortfeasor Joshua Beh's insurance company Erie settled in the amount of \$100,000.00 with the written consent of the Defendant Travelers Personal Insurance Company provided on or about April 29, 2019.

15. Plaintiff believes and therefore avers that she is entitled to Underinsured Motorist benefits a/k/a Supplementary Uninsured Motorist in the amount of \$150,000.00 at least from the Defendant Travelers Personal Insurance Company.

WHEREFORE, the Plaintiff Elizabeth Martin demands Judgment in her favor and against the Defendant Travelers Personal Insurance Company in the amount of \$150,000.00 at least exclusive of interest and costs, together with interest and costs.

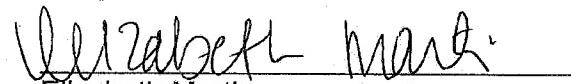
Respectfully submitted,

Foley Law Firm

By: 
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VERIFICATION: Complaint

I, ELIZABETH MARTIN, HEREBY VERIFY that I have read the foregoing Complaint and that insofar as it is based upon information within my own knowledge, it is true and correct and insofar as it is based upon the expertise of counsel, I have relied upon counsel in making this Verification. The language of the pleading is that of counsel and not my own. I understand that this Verification is made subject to the provisions of 18 Pa. C.S. A. § 4904 pertaining to Unsworn Falsification to Authorities.


Elizabeth Martin